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 Attorney for Respondents

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEVADA**

BRIAN LAMAR BROWN,

Petitioner,

vs.

BILL DONAT, *et al.*,

Respondents.

Case No. 2:02-cv-0770-PMP-PAL

**MOTION FOR
 ENLARGEMENT OF TIME
 (FIRST REQUEST)**

Respondents, by and through counsel, Catherine Cortez Masto, Attorney General of the State of Nevada, hereby respectfully move this Court for an order granting a thirty (30) day enlargement of time, to and including August 23, 2012, in which to file and serve their response to the amended and amended supplemental petitions for writ of habeas corpus.

This motion is based upon the provisions of Rule 6(b) of the Federal Rules of Civil Procedure and the attached Declaration of Counsel, as well as all other papers, documents, records, pleadings and other materials on file herein.

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1 There have been no prior enlargements of Respondents' time to file said response, and this
2 motion is made in good faith and not for the purposes of delay.

3 RESPECTFULLY SUBMITTED this 19th day of July, 2012.

4 CATHERINE CORTEZ MASTO
5 Attorney General

6 By: /s/ Heather D. Procter
7 HEATHER D. PROCTER
8 Senior Deputy Attorney General

9 **CERTIFICATE OF SERVICE**


10 I certify that I am an employee of the Office of the Attorney General and that on this 19th day of
11 July, 2012, I served a copy of the foregoing MOTION FOR ENLARGEMENT OF TIME (FIRST
12 REQUEST), by placing said document in the U.S. Mail, postage prepaid, addressed to:

13 BRIAN LAMAR BROWN
14 NDOC #52079
15 Nevada State Prison
16 Post Office Box 607
17 Carson City, Nevada 89702

18 /s/ Laurie Sparman

19 IT IS SO ORDERED.

20 Dated: July 20, 2012.

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22 PHILIP M. PRO
23 UNITED STATES DISTRICT JUDGE
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DECLARATION OF
HEATHER D. PROCTER

I, HEATHER D. PROCTER, hereby states, based on personal knowledge and/or information and belief, that the assertions of this declaration are true:

1. I am a Senior Deputy Attorney General employed by the Attorney General's Office of the State of Nevada in the Bureau of Litigation, Appellate Division, and I make this declaration on behalf of Respondents' motion for enlargement of time in the above-captioned matter.

2. By this motion, I am requesting a thirty (30) day enlargement of time, to and including August 23, 2012, in which to respond to Brown's amended and amended supplemental petitions for writ of habeas corpus. This is my first request for enlargement.

3. This office requested updated copies of the record from the state district court and Nevada Supreme Court following receipt of the order in this matter. However, this office only recently received the Nevada Supreme Court records this week. Respondents have not yet received the updated records from the state district court. While Respondents have contacted the state district court for status updates, it is currently unclear when Respondents will receive the necessary documents. Once received,

1 Respondents will require additional time to properly index the updated record and to review the same.
2 As such, Respondents request a thirty (30) day enlargement of time, to and including August 23, 2012, to
3 respond to the amended and amended supplemental petitions.

4 4. This motion for enlargement of time is made in good faith and not for the purpose of
5 unduly delaying the ultimate disposition of this case.

6 Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the
7 foregoing is true and correct.

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9 HEATHER D. PROCTER
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